



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Jerry W. Kilgore
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Assistant Attorney General

DATE: July 30, 2003

SUBJECT: Proposed Regulation 22 VAC 40-293-10 et seq.
Locality Groupings

I have reviewed the above-referenced proposed regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the proposed regulation and if the proposed regulation comports with applicable state law.

Item 353, Chapter 899 of the 2002 Acts of Assembly mandated that the State Board Promulgate emergency regulations to allow local boards of social services to request changes in their locality grouping. The State Board has promulgated the emergency regulation. This proposed regulation would replace the emergency regulation. It appears that the State Board has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002), and has not exceeded that authority.

If you have any questions, please feel free to call me at 225-3219.